

Message Text

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C O N F I D E N T I A L SECTION 01 OF 06 BONN 07814

C O R R E C T E D C O P Y (TO TEXTS NBRD PARA FOUR)

DEPARTMENT FOR EUR/CE, RUECKERT

E.O. 11652: GDS

TAGS: PFOR, US, UK, FR, GW, WB, NATO

SUBJECT: 1975 SPRING QUADRIpartite MEETING: WORKING
PAPERS

REF: (A) BONN 7807 ; (B) BONN 7745

SUMMARY: TRANSMITTED BELOW ARE THE BONN GROUP QTE WORK-
ING PAPERS UNQTE (EXCEPT THAT PREPARED BY FRG FOR PART
I OF AGENDA--SEE REFTEL A) WHICH FORMED THE POINT OF
DEPARTURE OF THE BONN GROUP IN PREPARING THE RECOMMENDED
AGENDA WITH SUPPORTING PAPER (TRANSMITTED REFTEL B)
FOR THE 1975 SPRING QUADRIpartite MEETING. THE
QTE WORKING PAPERS UNQTE REPRESENT CONTRIBUTIONS FROM
ALL OF THE BONN GROUP DELEGATIONS BUT, WITH EXCEPTION OF
FRG PAPER FOR PART I MENTIONED ABOVE AND FRG PAPER FOR
PART II. 3. DO NOT REPRESENT SPECIFIC INSTRUCTIONS FROM
CAPITALS. THESE PAPERS HAVE NO STANDING AND, AS RE-
QUESTED BY EUR/CE, ARE BEING TRANSMITTED FOR BACKGROUND
USE ONLY. ROMAN NUMERALS GIVEN AT THE BEGINNING OF EACH
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PAPER ARE KEYED TO THE AGENDA TRANSMITTED REFTEL B. END

SUMMARY.

1. BEGIN TEXT OF WORKING PAPER DRAFTED BY UK REP FOR
PART II. 1., QTE BERLIN AND DETENTE UNQTE:

1. BERLIN HAS ALWAYS BEEN A KEY ELEMENT IN THE SEARCH FOR
DETENTE IN EUROPE. CSCE COULD NOT HAVE BEGUN WITH-
OUT THE CONCLUSION OF THE QUADRIPARTITE AGREEMENT.

2. AS THE CONFERENCE HAS PROGRESSED IT HAS BECOME IN-
CREASINGLY CLEAR THAT BREZHNEV NEEDS A SUCCESSFUL OUTCOME
IN ORDER TO SILENCE HIS CRITICS AT HOME. IT IS POSSIBLE
THAT THIS REQUIREMENT HAS ACTED AS A BRAKE ON SOVIET
AIMS REGARDING WEST BERLIN THOUGH IT HAS NOT PREVENTED
THEM FROM MAKING FULL USE OF OPPORTUNITIES BOTH IN INTER-
NATIONAL FORA AND IN BILATERAL NEGOTIATION TO UNDERLINE
THEIR VIEW OF WEST BERLIN AS A SEPARATE POLITICAL
ENTITY.

3. THERE HAVE BEEN INDICATIONS RECENTLY OF A HARDENING
IN SOVIET ATTITUDES REGARDING BERLIN:

- ATTACKS IN THE SOVIET AND EAST EUROPEAN PRESS ON
FRG POLITICS ON BERLIN

- THE RETURN OF ABRASSIMOV AND KHOTULEV TO EAST BERLIN

- THE MORE VEHEMENT TONE OF SOVIET PROTESTS EG THE
PROTEST OVER THE UN DEMOGRAPHIC YEAR BOOK.

AT THE SAME TIME THE RUSSIANS ARE NOT DISPLAYING ANY
FLEXIBILITY OVER THE QUESTION OF THE INCLUSION OF BERLIN
IN BILATERAL TREATIES BETWEEN THE FRG AND SOVIET BLOC
COUNTRIES.

4. IF THIS ANALYSIS IS CORRECT, IT IS POSSIBLE THAT
AFTER THE CONCLUSION OF CSCE THE RUSSIANS WILL STEP UP
THEIR ATTEMPTS TO PREVENT FURTHER DEVELOPMENT OF THE
TIES BETWEEN THE FRG AND THE WSB AND TO INSIST ON THE
NARROWEST INTERPRETATION OF THE PROVISIONS OF THE QUAD-
RIPARTITE AGREEMENT WHICH DO NOT SUIT THEM, ESPECIALLY
MAINTENANCE AND DEVELOPMENT OF THE TIES AND THE REP-
RESENTATION ABROAD OF WEST BERLIN BY THE FRG.

5. THERE ARE MANY WAYS IN WHICH PRESSURES COULD BE
BROUGHT TO BEAR WITHOUT PRODUCING A MAJOR CONFRONTATION
WHICH IT SEEMS UNLIKELY THE RUSSIANS WOULD WISH TO SEEK
EVEN AFTER CSCE. SOME POSSIBILITIES ARE:-

- ATTEMPTING TO PREVENT FRG DELEGATIONS WITH WEST
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BERLIN MEMBERS FROM TAKING PART IN THE PRACTICAL
WORK OF INTERNATIONAL ORGANISATIONS (AS DISTINCT
FROM SIMPLY PROTESTING);

- ENCOURAGING THE GDR TO SEEK NEGOTIATIONS WITH THE
BERLIN SENAT ON A WIDER RANGE OF SUBJECTS;

- RAISING THE LEVEL AND VEHEMENCE OF PROTESTS;

- ARRANGING FOR INTERFERENCE AND DELAYS ON THE TRANSIT
ROUTES;

- CALLING FOR FOUR-POWER CONSULTATIONS EITHER UNDER
THE PROVISIONS OF THE FQP OR ON A LESS FORMAL BASIS.
END TEXT.

2. BEGIN TEXT OF WORKING PAPER DRAFTED BY FRG REP FOR
PART II. 3., QTE MAINTENANCE AND DEVELOPMENT OF THE TIES
UNQTE (NOTE: NO PAPER WAS PRODUCED FOR II. 2.):

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C O N F I D E N T I A L SECTION 02 OF 06 BONN 07814

THE MAINTENANCE AND DEVELOPMENT OF BERLIN'S TIES TO
THE FEDERATION, ABOVE ALL THE INCLUSION OF BERLIN IN THE
LEGAL, ECONOMIC, AND FINANCIAL SYSTEM OF THE FRG, CON-
TINUES TO REMAIN THE BASIS OF THE VIABILITY OF THE CITY.
BERLIN'S INCLUSION IN THE DEVELOPMENT OF THE PRIVATE AND
PUBLIC SECTORS OF THE FRG MUST BE ASSURED NOT ONLY FOR
ECONOMIC REASONS, BUT IS ALSO AN ESSENTIAL FACTOR WITH
RESPECT TO THE PSYCHOLOGICAL SITUATION OF THE CITY. IN
THE REALIZATION OF THIS OBJECTIVE THE FEDERAL GOVERNMENT
WILL BE GUIDED NOT ONLY BY LEGAL CONSIDERATIONS BUT ALSO
BY CONSIDERATIONS OF POLITICAL OPPORTUNENESS. END TEXT.

3. BEGIN TEXT OF WORKING PAPER DRAFTED BY FRENCH REP

FOR PART II. 4., QTE FRG REPRESENTATION ABROAD OF WSB
INTERESTS UNQTE:

I. THE SOVIET UNION AND ITS ALLIES HAVE CONTINUED FOR
THE LAST SEVERAL MONTHS TO QUESTION THE RIGHT OF THE FRG
TO REPRESENT THE INTERESTS OF THE WESTERN SECTORS OF
BERLIN UNDER THE CONDITIONS REFERRED TO IN SECTION
(D.), PART II OF THE QUADRIPARTITE AGREEMENT, WHICH ARE
ELABORATED IN ANNEX IV OF THE SAME AGREEMENT.

A) THE USSR AND, IN SOME CASES, ITS ALLIES (WHEN
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THE SOVIETS DID NOT HAVE THE POSSIBILITY OF INTERVENING
DIRECTLY) HAVE PROTESTED AGAINST:

- THE EXTENSION TO BERLIN OF CERTAIN INTERNA-
TIONAL TREATIES OR AGREEMENTS CONCLUDED BY THE FRG;
- THE PRESENCE IN CERTAIN DELEGATIONS OF THE FRG
(E.G. TO THE UN, THE ITU) OF (A) PERMANENT RESIDENT(S)
OF THE SECTORS;
- THE QTE REPRESENTATION OF THE FRG BY BERLIN
UNQTE (APPOINTMENT OF MAYOR SCHUETZ AS FEDERAL PLENI-
POTENTIARY FOR QUESTIONS OF FRANCO-GERMAN CULTURAL COOP-
ERATION);
- THE RELATIONS OF BERLIN WITH THE EUROPEAN COM-
MUNITY (SEE II.5.).

B) THESE SAME STATES HAVE, MOREOVER, WHEN THEY HAD
THE OPPORTUNITY TO INTERVENE DIRECTLY (THAT IS, WHEN
THEY WERE PARTIES TO A NEGOTIATION WITH THE FRG) DE-
MANDED THAT THE LATTER MAKE CONCESSIONS IN MATTERS CON-
CERNING:

- THE INCLUSION OF BERLIN IN BILATERAL AGREE-
MENTS;
- BONN'S COMPETENCE TO NEGOTIATE CERTAIN QUES-
TIONS DIRECTLY; IN PARTICULAR, THE GDR HAS ON THREE OC-
CASIONS SOUGHT TO HAVE THE FRG CONCEDE THAT THE BERLIN
SENAT WAS THE NORMAL INTERLOCUTOR WHEN NEGOTIATIONS CON-
CERNED MATTERS WHICH THE GDR CONTENTED AFFECTED SECURITY
AND STATUS.

II. THE ARGUMENT EMPLOYED BY THE EASTERN STATES IS THAT
THE EXERCISE BY THE FRG OF THIS OR THAT COMPETENCE WOULD
EXCEED THAT WHICH WAS RECOGNIZED BY THE USSR IN THE
QUADRIPARTITE AGREEMENT, AND COULD ESPECIALLY AFFECT
MATTERS OF SECURITY AND STATUS, AND/OR WOULD BE
CONTRARY TO THE PROVISIONS OF THE QUADRIPARTITE AGREE-
MENT ACCORDING TO WHICH THE WESTERN SECTORS OF BERLIN
CONTINUE NOT TO BE A CONSTITUENT PART OF THE FRG AND NOT
TO BE GOVERNED BY IT.

III. THE ALLIES SHOULD IN THE FUTURE AS IN THE PAST
STICK TO THE PROVISIONS OF THE QUADRIPARTITE AGREEMENT.

THEY SHOULD IN PARTICULAR BE GUIDED BY THE FOLLOWING CON-
SIDERATIONS:
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- THE USSR HAS NO STANDING TO PROTEST AGAINST THE
NON-COMPLIANCE WITH ALLEGED QTE CONDITIONS UNQTE WHICH
HAVE NOT BEEN SET OUT IN THE QUADRIPARTITE AGREEMENTS
(E.G., THE OPPORTUNITY, THE UTILITY, THE PRETENDED IN-
TENTION). THE ALLIES OUGHT THUS, TO AVOID THAT A NEW
JURIDICAL CONSTRUCTION BE GRADUALLY CREATED, TO REJECT
ALL SOVIET PROTESTS OF THIS KIND AND OUGHT TO MAKE EX-
PLANATIONS TO THE RUSSIANS ONLY WHEN THE APPLICATION OF
THIS OR THAT PRECISE PROVISION OF THE QUADRIPARTITE
AGREEMENT IS INVOLVED.

- THE ALLIES SHOULD, IN COOPERATION WITH THE
FRG, PRECLUDE CREATION BY THE NSTERN STATES, WITH RE-
SPECT TO THE MANY FORMS WHICH THE REPRESENTATION ABROAD
OF THE INTERESTS OF THE SECTORS TAKES, OF A NEW CLAIM
WITH RESPECT TO QTE MATTERS OF SECURITY AND STATUS
UNQTE. THEY SHOULD, IN PARTICULAR, NOT ACCEPT EXPLICITLY
OR IMPLICITLY THAT THESE MATTERS ARE GIVEN A BROADER IN-
TERPRETATION THAN THE ALLIES HAVE GIVEN THE TERM. THEY
SHOULD OPPOSE THE CLAIMS PUT FORTH BY THE GDR TO DISCUSS
THESE QUESTIONS ONLY WITH THE SENAT, A PROCEDURE WHICH
WOULD WEAKEN THE POSITION OF THE THREE POWERS AND OF THE

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FRG AND WOULD BE TO THE ADVANTAGE OF THE DOCTRINE THAT
THE WSB ARE AN QTE AUTONOMOUS ENTITY UNQTE.

- THE FRG SHOULD LAY CLAIM AND DEFEND ITS RIGHT
TO REPRESENT THE INTERESTS OF THE WESTERN SECTORS EVERY
TIME THAT IT HAS THE RIGHT TO DO SO.

- THE ALLIES, FINALLY, SHOULD CONTINUE TO BE
WATCHFUL THAT NO ARRANGEMENTS OR DECISIONS ARE APPLIED
IN THE WESTERN SECTORS THAT WOULD AFFECT MATTERS OF
SECURITY AND STATUS. IN DEMONSTRATING TO THE SOVIETS
THAT THEY ACTUALLY EXERCISE THEIR SUPREME AUTHORITY AND
RESPECT THE UNDERTAKINGS THAT THEY ENTERED INTO IN THE
QUADRIPARTITE AGREEMENT, THE THREE ALLIES WILL BE ABLE,
IN EFFECT, BEST TO DEFEND THE DELEGATED COMPETENCES OF
THE FRG WITH RESPECT TO REPRESENTATION OF THE INTERESTS
OF THE SECTORS. END TEXT.

4. BEGIN TEXT OF WORKING PAPER DRAFTED BY FRENCH REP
FOR PART II. 5., QTE BERLIN AND THE EC UNQTE:
SOVIET ATTACKS ON THE INCLUSION OF BERLIN IN THE
AREA OF APPLICATION OF THE CONSTITUTIVE TREATIES OF THE
EEC HAVE TAKEN ON A NEW INTENSITY IN THE LAST MONTHS.
THE PROTEST NOTE OF 21 AUGUST 1974 AND, IN PARTICULAR,
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THE PROTEST RELATING TO THE ESTABLISHMENT IN BERLIN OF
THE EUROPEAN CENTRE FOR VOCATIONAL TRAINING HAVE PRO-
VIDED THE RUSSIANS WITH AN OPPORTUNITY OF RAISING THE
ISSUE OF BERLIN'S INCLUSION IN THE EEC.

RUSSIAN ARGUMENTATION IS BASED ON A SERIES OF SOPHIST-
RIES:-

I. - THE QUADRIPARTITE AGREEMENT IMPOSES ON THE
FOUR SIGNATORY GOVERNMENTS THE OBLIGATION NOT TO
MODIFY UNILATERALLY THE EXISTING SITUATION ESTAB-
LISHED IN THE AREA. THEREFORE BERLIN CANNOT BE
INCLUDED IN

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DF THE EEC WHICH DEPEND ON

THE DYNAMIC ELEMENT RATHER THAN ON THE QTE
ACQUIS COMMUNAUTAIRE UNQTE.

- BERLIN IS NOT A CONSTITUTIVE PART OF THE FEDERAL

REPUBLIC; BERLIN IS ONLY INCLUDED IN THE EEC BY VIRTUE OF THE FEDERAL REPUBLIC'S MEMBERSHIP. THEREFORE BERLIN CANNOT BE PART OF THE EEC.

- BERLIN CANNOT BE GOVERNED BY THE FEDERAL REPUBLIC.

ON THE OTHER HAND THE FEDERAL REPUBLIC IS PART OF A COMMUNITY ONE OF WHOSE OBJECTIVES IS THE POLITICAL UNION OF ITS MEMBERS. THEREFORE THE EEC CANNOT TAKE ANY DECISION CONCERNING BERLIN.

- IN MAKING ITS PROTESTS THE USSR SEEMS ESSENTIALLY TO BE CONCERNED TO PUT DOWN A MARKER ABOUT A QUESTION WHICH IN FUTURE COULD LEAD TO SERIOUS DISAGREEMENT BETWEEN THE FOUR.

II. THE ALLIES REJECTED THE SOVIET PROTEST ABOUT THE EUROPEAN TRAINING CENTER BASING THEIR ARGUMENT ESSENTIALLY ON THE FACT THAT, AS THE TREATY OF ROME HAD BEEN EXTENDED TO BERLIN IN 1957, THE APPLICATION OF ITS PROVISIONS IN BERLIN, SUBJECT TO THE RESERVED RIGHTS AND RESPONSIBILITIES OF THE ALLIES, CONSTITUTE AN ELEMENT OF THE EXISTING SITUATION.

III. THE RELATIONS OF BERLIN WITH THE EEC WILL PROBABLY POSE IN THE MONTHS AHEAD PROBLEMS RELATED TO THE DEVELOPMENT OF CERTAIN SUPRANATIONAL ACTIVITIES BY THE COMMUNITY:

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- THE APPLICATION TO BERLIN OF AGREEMENTS CONCLUDED BY THE EEC PURSUANT TO ARTICLES 113 AND 228 OF THE TREATY OF ROME.

- THE DIRECT APPLICATION TO BERLIN OF CERTAIN REGULATIONS MADE BY THE COUNCIL OF MINISTERS, PARTICULARLY REGULATIONS MADE IN PURSUANCE OF ARTICLE 235;

- EUROPEAN PASSPORT UNION

- ELECTION TO A EUROPEAN PARLIAMENT ON THE BASIS OF UNIVERSAL SUFFRAGE, AND THE POWERS OF THE PARLIAMENT: THIS POINT IS OF PARTICULAR IMPORTANCE AND MAY WELL PROVOKE MAJOR DIFFICULTIES;

- DEEPENING OF CERTAIN COMMUNITY POLICIES.

IV. THE OBJECTIVE OF THE ALLIES MIGHT BE AS FOLLOWS:

(A) ON THE ONE HAND ARRANGE FOR BERLIN AND ITS INHABITANTS TO PARTICIPATE FULLY IN THE ACTIVITIES OF THE COMMUNITY. THIS IMPLIES IN PARTICULAR THAT BERLIN WOULD BE AS FAR AS POSSIBLE ASSOCIATED IN THE DEVELOPMENT OF THE COMMUNITY AND THAT THIS DEVELOPMENT WOULD NOT RESULT IN ANY WEAKENING OF ITS POSITION WITHIN THE COMMUNITY.

(B) ON THE OTHER HAND TO AVOID BEING CONFRONTED BY COMMUNITY "FAIT ACCOMPLIS" WHICH COULD WEAKEN THEIR

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POSITION WITH REGARD TO THE RUSSIANS AND/OR OBLIGE THEM
TO PROHIBIT THE APPLICATION TO BERLIN OF DECISIONS WHICH
WOULD NOT BE COMPATIBLE WITH BERLIN LEGISLATION. THE
ALLIES SHOULD THEREFORE BE IN A POSITION TO STUDY IN
ADVANCE PROPOSALS FOR DECISIONS OR REGULATIONS WHOSE
APPLICATION MIGHT CREATE PROBLEMS AND, WHERE NECESSARY,
TO INTERVENE INDIRECTLY IN THE PROCESS OF ELABORATING
THESE PROPOSALS.

AS REGARDS RELATIONS BETWEEN THE THREE AND THE FRG
THIS DOES NOT IMPLY A NEED TO DEFINE ENTIRELY NEW
PROCEDURES, BUT ONLY THAT THE EXISTING ONES SHOULD BE
APPLIED OR IMPROVED SO THAT IT WOULD BE POSSIBLE TO
RESOLVE IN ADVANCE BY CONSULTATION AND COORDINATION
THOSE PROBLEMS WHICH IT WOULD NEITHER BE IN THE INTER-
ESTS OF THE FEDERAL REPUBLIC NOR OF THE THREE POWERS TO
HAVE TO RESOLVE POST FACTO.END TEXT

5. BEGIN TEXT OF WORKING PAPER DRAFTED BY UK REP FOR
PART III. 1., "ALLIED/FRG POLICIES AND ACTIONS IN
RESPONSE TO THE EASTERN CHALLENGES":

1. SINCE THE IMPLEMENTATION OF THE QUADRIPARTITE

AGREEMENT THERE HAVE BEEN NUMEROUS SOVIET AND EASTERN
EUROPEAN PROTESTS ABOUT ALLEGED VIOLATIONS OF IT, AND
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NUMEROUS ATTEMPTS TO CHALLENGE FRG ACTIONS RELATING TO
BERLIN. THESE PROTESTS AND CHALLENGES HAVE OCCURRED
BOTH IN INTERNATIONAL FORA AND BILATERALLY. AS REGARDS
PROTESTS, IT HAS BEEN THE GENERAL PRACTICE OF THE ALLIES
AND THE FRG TO MAKE A FORMAL RESPONSE ON EACH OCCASION--
THOUGH A NUMBER OF "OMNIBUS" NOTES HAVE RECENTLY BEEN
AGREED FOR USE IN THE UN.

2. THIS PRACTICE HAS CERTAIN DISADVANTAGES: -

(I) IN INTERNATIONAL FORA, PARTICULARLY THE
UN, IT SERVES TO PROLONG OPEN DEBATE ON A MATTER WHICH
FEW OF THE NON-ALIGNED STATES ARE INTERESTED IN. IN SO
FAR AS PART OF THE ALLIED/FRG OBJECTIVE IS TO WIN THE
SUPPORT AND UNDERSTANDING OF THESE COUNTRIES FOR THE
ALLIED/FRG POSITION, THE PRACTICE MAY BE COUNTER-
PRODUCTIVE. IT IS ARGUABLE THAT IT IS MORE LIKELY TO
STIMULATE IRRITATION AND RESENTMENT THAN UNDERSTANDING.

(II) IN THE CASE OF BILATERAL PROTESTS (BY
THE SOVIET UNION TO THE ALLIES) THE DISADVANTAGES OF
PRODUCING A FORMAL REPLY ON EACH OCCASION ARE THAT:

(A) THE PRACTICE TENDS TO HAVE A
CUMULATIVE EFFECT FAVORABLE TO SOVIET ATTEMPTS TO
ESTABLISH A DROIT DE REGARD OVER THE WSB.

(B) IT RAISES PARTICULAR PROBLEMS IN
CASES WHERE IT IS DIFFICULT FOR THE ALLIES AND THE FRG
TO AGREE ON THE CONTENTS OF A SUBSTANTIVE REPLY, E.G.,
THE AMENDMENT LAW ON INNER GERMAN LEGAL ASSISTANCE.

(C) IT PLACES THE ALLIES (AND THE FRG)
CONTINUOUSLY ON THE DEFENSIVE.

3. IT IS SUGGESTED THAT, IN INTERNATIONAL FORA,
THE ALLIED/FRG CASE MIGHT BEST BE SERVED BY A POLICY OF
CONTINUING TO RESPOND TO SOVIET NOTES WHERE IT IS
NECESSARY IN ORDER TO ENSURE THAT THE LEGAL POSITION OF
THE ALLIES AND THE FRG REGARDING BERLIN IS NOT ERODED.
NOTES FROM OTHER EASTERN EUROPEAN COUNTRIES WITH NO
LOCUS STANDI IN MATTERS AFFECTING BERLIN SHOULD, IN
GENERAL, NOT BE ANSWERED, THOUGH THEIR LACK OF COMPE-
TENCE COULD BE POINTED OUT IN REPLIES TO SOVIET NOTES.
HOWEVER, THE GDR IS CLEARLY IN A SEPARATE CATEGORY BY
VIRTUE OF HAVING ESTABLISHED ITS SEAT OF GOVERNMENT IN
EAST BERLIN: IT MAY THEREFORE REQUIRE SEPARATE
TREATMENT.

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4. IN THE CASE OF BILATERAL PROTESTS CONSIDERATION SHOULD BE GIVEN TO THE FOLLOWING POSSIBILITIES:

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(I) MORE SELECTIVE RESPONSE BY THE ALLIES.

(II) RESPONSE LIMITED TO A REFERENCE TO A PREVIOUS STATEMENT IN CASES WHERE THAT STATEMENT ALREADY SETS OUT FULLY THE ALLIED POSITION ON THE POINT AT ISSUE.

(III) (WEST BERLIN ONLY) DEVELOPMENT OF IMMEDIATE ORAL REPLIES TO SOVIET PROTESTS AT PROTOCOL OFFICER, DEPUTY POLAD AND POLAD LEVEL WHICH COULD OBVIATE A NEED FOR A MORE FORMAL RESPONSE.

(IV) WHERE APPROPRIATE ALLIED RESPONSES MIGHT INCLUDE EXPRESSIONS OF DISSATISFACTION ABOUT SOVIET BEHAVIOUR IN A RELATED FIELD.

5. CONSIDERATION SHOULD ALSO BE GIVEN TO THE POSSIBILITY OF THE ALLIES, AND WHERE APPROPRIATE THE FRG, TAKING THE INITIATIVE IN MAKING PROTESTS TO THE SOVIET UNION ABOUT SOVIET OR GDR ACTIONS WHICH ARE NOT CONSISTENT WITH THE PROVISIONS OF THE QUADRIPARTITE

AGREEMENT.END TEXT

6. BEGIN TEXT OF WORKING PAPER DRAFTED BY US REP FOR
PART III. 2., "CONSULTATIONS? PROS AND CONS OF
ACCEPTING SOVIET SUGGESTIONS FOR "NON-FQP" FOUR POWER
TALKS ON BERLIN":
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A. DISCUSSION.

THERE HAS BEEN MUCH SPECULATION THAT
ABRASIMOV'S RETURN TO BERLIN AND THE STEADY DRUMBEAT OF
SOVIET PROTESTS AND COMPLAINTS ABOUT ALLEGED VIOLATIONS
OF THE QUADRIpartite AGREEMENT AND FRG "ENCROACHMENTS"
ON BERLIN FORESHADOW A PROPOSAL FROM MOSCOW FOR CONSUL-
TATIONS ON BERLIN. WHILE THERE IS LITTLE HARD EVIDENCE
OF SOVIET INTENT IN THIS REGARD, IT WOULD BE
DESIRABLE TO HAVE A COORDINATED WESTERN POSITION ON HOW
TO RESPOND TO ANY SUCH SOVIET PROPOSAL.

THE ALLIED RESPONSE WOULD IN PART BE DEPENDENT
UPON THE FORM OF THE PROPOSAL, WHICH MIGHT BE CAST IN
ONE OF SEVERAL WAYS:

1. FORMAL QUADRIpartite CONSULTATIONS. AS
SPECIFIED IN THE FINAL QUADRIpartite PROTOCOL (FQP),
ANY OF THE SIGNATORIES OF THE QA MAY CALL FOR AND
CONDUCT QUADRIpartite CONSULTATIONS IN THE EVENT OF
SERIOUS DIFFICULTY IN THE APPLICATION OF OR NONIMPLEMEN-
TATION OF ANY PART OF THE QA. IF THE SOVIETS WERE TO
INVOKES THE FQP, THE ALLIES WOULD THUS HAVE LITTLE CHOICE
BUT TO ENTER INTO CONSULTATIONS, AND THIS POSSIBILITY IS
THEREFORE NOT FURTHER DISCUSSED BELOW.

2. BILATERAL CONSULTATIONS. IN INITIAL
DISCUSSIONS WITH ALLIED AMBASSADORS, ABRASIMOV HAS
PRESSED THE CURRENT SOVIET LINE THAT IT IS BONN THAT IS
CREATING ALL THE PROBLEMS IN BERLIN AND HAS SUGGESTED
THAT THE SITUATION MIGHT BE RESOLVED VIA BILATERAL
SOVIET CONSULTATIONS WITH THE ALLIES--THE POSSIBLE
IMPLICATION BEING THAT ONE OR MORE OF THE ALLIES MIGHT,
BY VETOING PROPOSED FRG ACTIONS VIS-A-VIS BERLIN,
ELIMINATE FUTURE DIFFICULTIES.

3. INFORMAL QUADRIpartite CONSULTATIONS. BECAUSE
A FORMAL DEMAND FOR CONSULTATIONS UNDER THE FQP WOULD
FOCUS THE PUBLIC SPOTLIGHT ON SOVIET-WESTERN DIFFERENCES
OVER BERLIN AND, IF THE TALKS FAILED, MIGHT RESULT IN A
HARDENING OF POSITIONS AND PERHAPS EVEN GREATER DIFFI-
CULTIES OVER BERLIN, IT SEEMS MORE LIKELY THAT, IF
MOSCOW DESIRED CONSULTATIONS, IT WOULD ENDEAVOR FIRST TO
ARRANGE THEM INFORMALLY. SUCH "LESS THAN FQP" CONSULTA-
TIONS COULD BE SOUGHT EITHER IN CONNECTION WITH A
SPECIFIC EVENT OR INCIDENT OR ON MORE GENERAL GROUNDS:
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A. INCIDENT-RELATED: AT THE TIME OF THE FEA
DIFFICULTIES IN 1974, SOVIET STATEMENTS OF READINESS TO
WORK OUT DIFFERENCES IN DISCUSSIONS WITH THE ALLIES WERE

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FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 0085

C O N F I D E N T I A L SECTION 06 OF 06 BONN 07814

INTERPRETED BY SOME TO MEAN THAT MOSCOW WISHED TO HAVE
QUADRIpartite CONSULTATIONS BUT WAS NOT PREPARED TO
INVOKe THE FQP. THERE WAS, HOWEVER, NO AGREEMENT THAT
THE SOVIETS WERE ACTUALLY HINTING FOR CONSULTATIONS AND
NO FULL DISCUSSION BY THE WESTERN SIDE OF THE MERITS OF
SUCH TALKS. THE ISSUE DISAPPEARED AT THAT TIME BUT
COULD BE RESURRECTED IN CONNECTION WITH SOME FRESH
INCIDENT.

B. GENERAL: MORE RECENTLY, THERE HAVE BEEN
SOVIET SUGGESTIONS THAT IT MIGHT BE DESIRABLE TO HAVE
CONSULTATIONS IN ORDER TO REACH AN AGREED DEFINITION OF
"EXISTING SITUATION", FOR EXAMPLE, OR TO RECONCILE
CLAIMED CONFLICTS IN THE QA BETWEEN PROVISIONS ON "EXIST-

ING SITUATION" AND "DEVELOPMENT OF TIES." THESE SUGGESTIONS MAY IN THE FUTURE BECOME MORE POINTED.

B. PROS.

ARGUMENTS FOR RESPONDING POSITIVELY TO SOVIET SUGGESTIONS FOR NON-FQP CONSULTATIONS INCLUDE THE FOLLOWING:

1. SHOULD TENSIONS BEGIN TO BUILD IN CONNECTION WITH SOME FUTURE EVENT, AS OCCURRED WITH THE ESTABLISHMENT OF THE FEA, CONSULTATIONS MIGHT SERVE TO CONFIDENTIAL

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DEFUSE THE SITUATION;

2. IF IT APPEARS THAT FOUR POWER CONSULTATIONS ARE INEVITABLE, IT WOULD BE PREFERABLE TO KEEP THEM INFORMAL RATHER THAN WAITING FOR THE SOVIETS TO DEMAND FORMAL ONES UNDER THE FQP;

3. SUCH CONSULTATIONS WOULD SERVE TO IMPROVE COORDINATION ON THE WESTERN SIDE.

SIMILAR CONSIDERATIONS, MODIFIED TO MEET THE CURRENT SITUATION, MIGHT STILL BE INFLUENTIAL IN ARGUING THE MERITS OF ENGAGING THE SOVIETS IN CONSULTATIONS.

C. CONS.

ARGUING AGAINST RESPONDING POSITIVELY TO ANY SOVIET SUGGESTION FOR "LESS THAN FQP" CONSULTATIONS ARE SEVERAL FACTORS:

1. ONE AIM OF THE SOVIETS IN SUGGESTING BILATERAL CONSULTATIONS WITH SOME OR ALL OF THE ALLIES IS THE FAMILIAR ONE OF DIVIDING THE THREE ALLIES AMONG THEMSELVES AND FROM THE FRG. THIS IS IMPLICIT IN THE SUGGESTION THAT THE SOVIETS, IN CONSULTATION WITH ONE OR MORE OF THE ALLIES, MIGHT FIND WAYS OF CURBING "PROVOCATIVE" GERMAN BEHAVIOR TOWARD BERLIN.

2. DESPITE SOVIET ALLEGATIONS THAT IT IS THE FRG WHICH IS VIOLATING THE QA, THERE IS IMPLICIT IN THIS AN ALLEGATION THAT THE ALLIES THEMSELVES HAVE VIOLATED THE QA BY PERMITTING "IMPROPER" ACTIONS. AGREEING TO CONSULTATIONS COULD THUS HAVE THE ADDED DISADVANTAGE OF PERMITTING MOSCOW TO CLAIM THAT THE WEST HAD ADMITTED MISCONDUCT.

3. IT IS DIFFICULT TO SEE HOW THE WEST COULD COME OUT AHEAD IN ANY SUCH TALKS WHETHER BILATERAL OR QUADRIpartite. THE QA WAS A CAREFULLY BALANCED DOCUMENT, INVOLVING COMPROMISES AND SOME DELIBERATE AMBIGUITIES. IT IS HIGHLY UNLIKELY THAT INFORMAL CONSULTATIONS COULD RESOLVE ANY OF THE DISPUTED POINTS THAT WERE LEFT IMPRECISE DURING THE PROLONGED QA NEGOTIATIONS THEMSELVES, OR THAT THE WEST COULD OBTAIN COUNTERBALANCING CONCESSIONS FOR ANY MORE PRECISE DEFINITION OF DISPUTED TERMS SUCH AS "EXISTING

SITUATION" AND "DEVELOPMENT OF TIES."

4. MOSCOW WOULD NOT ENTER INTO TALKS

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CONCERNING BERLIN AS A WHOLE; RATHER, IT WOULD SEE
WESTERN AGREEMENT TO ENTER INTO DISCUSSIONS AS CONFIRMA-
TION OF ITS CLAIM TO A RIGHT TO BE CONSULTED ON MATTERS
AFFECTING WEST BERLIN.

D. CONCLUSIONS.

DESPITE SOME POSSIBLE ADVANTAGES OF ENGAGING
THE SOVIETS IN DISCUSSIONS OF BERLIN-RELATED PROBLEMS,
THE LIKELY RESULT WOULD BE CONTINUED STALEMATE ON
CONTENTIOUS ISSUES BUT WITH AN ENHANCED SOVIET VOICE IN
WEST BERLIN DECISION-MAKING. AN INCIDENT-RELATED CABL
FOR CONSULTATIONS (Q.3.A., ABOVE) WOULD HAVE TO BE
CONSIDERED IN THE LIGHT OF THE CIRCUMSTANCES OF THE
MOMENT. UNDER PRESENT CIRCUMSTANCES, HOWEVER, IT WOULD
SEEM PREFERABLE TO TURN ASIDE SOVIET FEELERS WITH THE
RESPONSE THAT DISCUSSION OF BERLIN MATTERS SHOULD
REMAIN IN EXISTING CHANNELS. END TEXT.
HILLENBRAND

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